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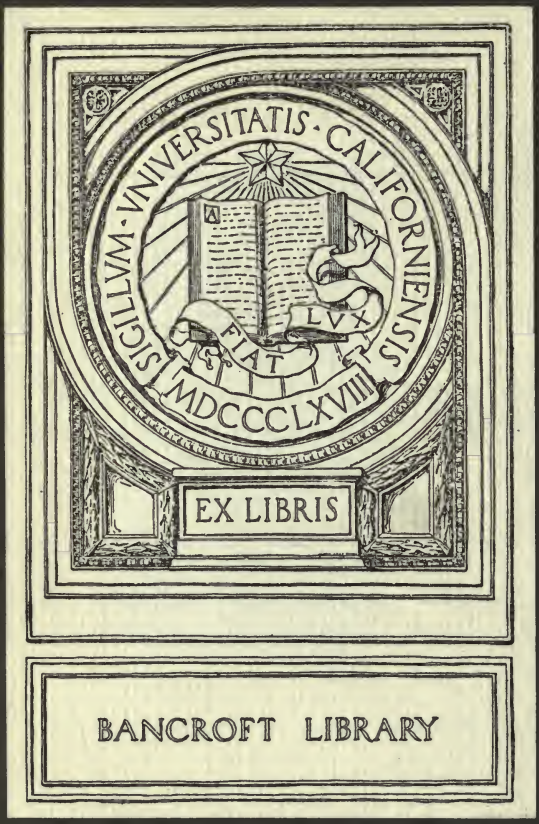
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THE UNITED STATES AND MEXICO 1835-1837

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REPRINTED FROM THE MISSISSIPPI VALLEY
HISTORICAL REVIEW, VOL. I, JUNE, 1914

THE UNITED STATES AND MEXICO, 1835-1837

Pecuniary claims against Mexico for losses inflicted on American citizens were a matter of increasing diplomatic pressure during the last two years of President Jackson's administration; and, in February, 1837, the president asked authority to use the army and navy in compelling a settlement. But Congress hesitated to resort at once to such radical means; and the claims, constantly augmenting, continued to be an irritating subject of negotiation until the beginning of the Mexican War. The principal relations between the two countries during the period considered in this paper, however, were those which grew out of the Texas revolution.

While there is no evidence that the Anglo-American colonists settled Texas with the intention of tearing it from Mexico and annexing it to the United States, they formed by their immigration no real ties with Mexico and broke none with the United States. A perennial state of revolution compelled the government to leave them largely to their own devices in local affairs, and an unwise suspension of the tariff in their favor encouraged trade with the United States instead of with Mexico. Vessels rarely sailed between Texan and Mexican ports, though both had regular connections with New Orleans. It is not surprising, therefore, that the Texans turned to the people of the United States for aid at the beginning of their contest with Mexico.

On October 4, two days after the outbreak of war, Stephen F. Austin wrote the committees of safety of Nacogdoches and San Augustine, near the Louisiana frontier, that the Texans

needed arms and ammunition, and asked if guns could not be obtained east of the Sabine.[1] The next day General Houston, writing at San Augustine, appealed for volunteers in a letter which he probably intended for publication in the papers of the United States. "Let each man come with a good rifle and one hundred rounds of ammunition," he said, "and come soon"; millions of acres of the best land remained unappropriated, and volunteers would receive liberal bounties.[2] On October 9, R. R. Royall issued in the name of a central executive committee at San Felipe a general appeal to the United States and pledged land to satisfy the "most extravagant expectations."[3] On the twenty-sixth Royall's committee, somewhat enlarged, published an address explaining the causes of the revolution and pleading for help from the people of the United States: "We are but one people. Our fathers side by side fought the battles of the revolution. We side by side fought the battles of the war of 1812 and 1815. . . You are united to us by all the sacred ties that can bind one people to another. . . . We invite you to our country . . . and we pledge to you, as we are authorized to do, the lands of Texas and the honor and faith of the people, that every volunteer in our cause shall not only justly but generously be rewarded."[4] In November the newly organized provisional government passed liberal bounty laws and published them in the United States, and as a further inducement to ambitious volunteers from that quarter reserved for them for a time a number of official positions in the army.[5] At the same time it elected three commissioners to the United States, Stephen F. Austin, B. T. Archer, and W. H. Wharton, and instructed them to negotiate a loan of a million dollars, to fit out a navy, to obtain supplies for the army, and to solicit and receive donations.[6] These commission-

[1] *Telegraph and Texas Register*, October 10, 1835.

[2] *New Orleans Courier*, October 13, 1835.

[3] Manuscript in Texas State Library.

[4] *Niles' Weekly Register*, 49: 234, 235; Texas State Historical Association, *Quarterly*, 7: 271-273.

[5] *Journal of the Proceedings of the General Council of the Republic of Texas, at San Felipe de Austin, from November 14, 1835, to March 1, 1836* (Houston, 1839), 111, 117, 124.

[6] *Journals of the Consultation held at San Felipe de Austin, October 16 to November 14, 1835* (Houston, 1838), 37. The commissioners were elected November 12,

ers appointed subcommissioners; and, in addition, the provisional government made a practice throughout the revolution of creating special agents of those whom business or other interests called to the United States. Some of these were merely to raise volunteers, some carried blank commissions for privateers, and others were to purchase and equip ships of war.[7]

In the United States, on the other hand, popular enthusiasm for the Texan cause was spontaneous and fairly general. Before the end of November, 1835, meetings were held at various places in Louisiana, Mississippi, Alabama, Georgia, Tennessee, Kentucky, Ohio, Pennsylvania, and New York. With the progress of the Texan commissioners up the Mississippi-Ohio valley in the spring of 1836 and the reports of Mexican barbarity at the Alamo and Goliad, interest still further quickened and extended to the great cities of the East — Washington, Baltimore, Pittsburgh, Philadelphia, New York, and Boston.[8] The procedure of these meetings was everywhere the same. They assembled in response to a public notice in the local papers, adopted resolutions of sympathy, opened a list for volunteers, and appointed a committee to solicit subscriptions. Funds not consumed in equipping and transporting the volunteers usually found their way to the Texans in the form of munitions and supplies.

In credit, loans, and donations the Texans drew their financial support almost entirely from the United States;[9] and first and last they received several thousand volunteers from the same source. In the assault on San Antonio in December, 1835, three companies from the United States — two from New Or-

but their instructions were not prepared until December 8, and it was not until a month later that they reached New Orleans. See Barker, "Finances of the Texas Revolution," in *Political Science Quarterly*, 19: 627-631.

[7] G. P. Garrison, *Diplomatic Correspondence of the Republic of Texas* (American Historical Association, *Report*, 1907, vol. 2, 1908, vol. 2), 1: 61, 67; Texas State Historical Association, *Quarterly*, 9: 240, 241; *Journal of the General Council*, 73-76.

[8] Accounts of these meetings are found in the newspapers of the states named, in the *Telegraph and Texas Register*, which reprinted the proceedings of many of them, and in the manuscript materials in the Austin papers and the Texas State Library. New Orleans papers are particularly useful. For a detailed study of Kentucky's part in the Texas revolution see an article by James E. Winston in *Southwestern Historical Quarterly*, 16: 27-62.

[9] Barker, "Finances of the Texas Revolution," in *Political Science Quarterly*, 19: 612-635.

leans and one from Mississippi[10]—took an important part; many of those who died at the Alamo were recent "emigrants," as were practically all of Fannin's command at Goliad—more than four hundred in number; and between March and December, 1836, Judge T. J. Chambers alone, who held a commission as major general from the provisional government, sent nearly two thousand men to Texas.[11] Austin wrote Governor Smith in January, 1836, that the men who had just subscribed the first Texas loans in New Orleans had offered to throw five hundred men into Texas within six weeks, the cost of this to be repaid at the close of the war with eight per cent interest, and the capitalists to have the option of taking land in repayment at fifty cents an acre. Ten days later he wrote that the commissioners had authorized Colonel Thomas D. Owings, late of the Twenty-eighth United States Infantry, to raise fifteen hundred volunteers and have them in Texas by March, the expense of arming, equipping, and transporting them to be paid by Texas at the close of the war.[12] In March S. M. Williams wrote that with $30,000 he could send three thousand men to Texas in forty days.[13] About the same time General T. J. Green wrote that he was arranging to raise $50,000, with which he expected in a short time to take fifteen hundred men to Texas; that he had appointed many influential officers in Tennessee, and was himself awaiting in New Orleans the return of a thousand volunteers from the Seminole War, many of whom he hoped to enlist for Texas. Mexico's treatment of Texas, he said, was making the United States indignant from New Orleans to the falls of the Ohio; with ample means he could within sixty days send to Texas enough men to "take the prairie with our enemy" and, if necessary, follow him home.[14] April 18, George C. Childress wrote President Burnet that the South and West were "kindling to a blaze" on the subject of Texas; General Richard G. Dunlap of the Tennessee volunteers was anxious to raise a force of from two to five thousand men for Texas, provided he could retain there the same rank which he held in Tennessee, and pro-

[10] Texas State Historical Association, *Quarterly*, 9: 213.

[11] *Ibid.*, 240, 241.

[12] Garrison, *Diplomatic Correspondence of Texas*, 1: 55-61.

[13] Williams to Fannin, March 27, 1836, manuscript in Texas State Library.

[14] Green to Burnet, April 8, 1836, manuscript in Texas State Library.

vided Texas would furnish transportation. Childress had no doubt of his ability to get the men and authorized him to proceed.[15] He hoped to carry with him the whole force of Tennessee volunteers which would be mustered out of the Florida service in June. Before he made any progress in this plan, however, Governor Cannon received a call from General Gaines for a brigade to help defend the southwestern frontier; and Dunlap enlisted "with a full Conviction," as he explained, "that we would not be detained long in the service of the U. Sts, and that in that event I could take the whole volunteer Corps with me to Texas."[16] In April, the papers made much of the departure of Captain John A. Quitman from Natchez with twenty-five or thirty "armed emigrants," fifteen of whom were said to be members of his old company, the Natchez Fencibles.[17] General Felix Huston published his intention to leave the same place early in May with several hundred companions.[18]

The greatest interest in the cause of Texas was manifested in the Mississippi Valley south of the Ohio; and every state in that section contributed liberally in men and money; but organized companies went also from Ohio and New York,[19] and others offered themselves from Indiana, western Virginia, and Pennsylvania,[20] while individuals went from nearly every state in the Union.

The motives of most of these men seem fairly obvious. The people of the United States have always had a hunger for owning land, but at this time that hunger became greed. In 1835, the government sales were nearly twelve million acres; and, in

[15] Garrison, *Diplomatic Correspondence of Texas*, 1: 84-86. Childress with G. M. Collinsworth had been commissioned by President Burnet to take the place of Austin, Archer, and Wharton in the United States. Their ultimate mission was to try to get the United States to recognize the Texan government.

[16] *Ibid.*, 94, 97. As will later appear, General Gaines withdrew his call before this force got into service.

[17] *New Orleans Commercial Bulletin*, April 13, 1836, from *Mississippi Free Trader.*

[18] *The Mississippian* (Jackson), April 29, 1836.

[19] Vallette to Burnet, May 31, 1836, manuscript in Texas State Library; *New York Daily Advertiser*, November 23, 1836.

[20] *Columbus* [Ohio] *Monitor*, September 26, 1836; Vallette to Burnet as cited above; Schuler *et al.* to Austin, November 19, 1835, and Steedman to Smith, December 30, 1835, manuscripts in Texas State Library. Vallette wrote Burnet that two hundred men from the Kanawha region of Virginia were expected at Cincinnati early in June, and that the Texas committee of Cincinnati would provide them with arms.

1836, they exceeded nineteen million; but the government now sold only for cash at $1.25 an acre; and even the easy loans of the "pet banks" were beyond the reach of many who thus saw themselves deprived of a future competency for want of a trifling sum. To these the Texan bounty laws opened the door of opportunity.[21] Transportation was furnished free, the Mexicans were poor creatures who would not fight, the war would soon be over, and every soldier would find himself at the end possessed of a princely grant of the finest land in the world.[22] Moreover, it was an age when men talked ardently of liberty, democracy, and the Constitution, and felt as they talked. Americans had not been indifferent to the heroic deeds of Bolivar or to the struggles of the Greeks and the Poles; should they be less concerned when their own kinsmen and fellow countrymen, "lured" to Texas by fair promises and the guarantees of republican government, were contending at their very doors against despotism which no "American born citizen could bear?"[23] With a sense of humor and a knowledge of the facts, we may smile at the idea of Mexico's luring colonists to Texas; but a study of the public meetings of 1835 and 1836 will convince students that it expressed the sober conviction of a large portion of the American people. The newspapers were important agencies in stimulating interest. They were almost uniformly friendly to Texas, and did much to shape the public opinion which they reflected. The Mexican *chargé d'affaires* at Philadelphia, Castillo y Lanzas, was quick to realize this, and suggested to his government that it should subsidize some of the more influential papers to suppress anti-Mexican articles and publish favorable matter.[24] Nothing favorable to Mexico had ever been printed in these papers in the past, he said, except at the price of money or fair words; and at present the former

[21] See, for example, Texas State Historical Association, *Quarterly*, 9: 171, 182.

[22] See, for example, proceedings of public meetings at Nashville, Tennessee, and Greensborough, Alabama, in *Telegraph and Texas Register*, February 20, 1836, and *El Correo Atlantico* (New Orleans), April 18, 1836.

[23] Proceedings of a meeting at Mobile, October 19, 1835, manuscript in Texas State Library. This is typical of the tone of many speeches and resolutions. See also proceedings of a meeting in Tammany Hall, November 12, 1835. *New York Daily Advertiser*, November 13, 1835.

[24] "Pagar bien á los editores que se prestasen á sostener nuestro credito y justicia."

was indispensable, the best of promises having lost their virtue. His experience with the *New York Courier and Enquirer* had proved the efficacy of this method. During a visit to New York in August he had talked at length with one of the editors, and since then its language had changed. The government approved the suggestion and sent Castillo a thousand dollars to use with the papers which had most distinguished themselves by their attacks on Mexico, admonishing him at the same time to "move with circumspection, so as not to compromit the national decorum." [25] Land speculators may have been at the bottom of some of the enthusiasm displayed for the Texan cause, but their influence can hardly be established.[26] Of a conscious purpose to aid the Texans in order to bring more slavery territory into the United States, the writer has found no evidence.[27]

All these pro-Texas activities were carried on with the utmost publicity. Meetings were called by newspaper notices, their proceedings were fully reported and widely copied, committees used the press to urge contributions to the Texan cause, and advertisements for volunteers were common.[28] With equal lack

[25] Castillo to secretary of *relaciones*, October 2, 1835, and answer of the secretary, November 5, 1835, transcripts of University of Texas from Mexican foreign office. I have not had an opportunity to verify Castillo's statement that the tone of the *Enquirer* changed in August. It certainly was hostile to Texas after that time.

[26] The *New York Daily Advertiser* in the issue of November 14, 1835, comments editorially on the meetings of Texan sympathisers in New York, and wonders how much enthusiasm is due to disinterested love of liberty and how much to speculation in Texas land. From the list of names most active in the movement, it suspects that the latter consideration cuts some figure. James Gordon Bennett in the *New York Herald* (April 2, 1836) says that he is heart and soul for the true Texan cause but dead against the speculator. The *New Orleans Commercial Bulletin* (November 21, 1835), however, indignantly denied the charge of the *New York Courier and Enquirer* (October 31) that the Texas committee in New Orleans was "a sort of Wall Street Stock-jobbing company": "the majority . . . are not interested in a rood of ground in Texas and are not even in the remotest manner connected with any speculation in that section."

[27] The only reference to the subject that I have noticed is in *The Mississippian* (Jackson) of March 18, 1836. A writer there, in reviewing a pamphlet by Wharton on the causes of the Texan revolution, points out that the possession of Texas by the United States would open an immense region for the diffusing of slaves in which the older slave states could dispose of their surplus to advantage.

[28] For a typical notice see the Columbus, Mississippi, *Southern Argus* (December 4, 1835): "Texas Volunteers!!! All such as are willing to risk their life and for-

of concealment the papers chronicled the movements of volunteers already on the way.

It required no gift of prophecy to foresee that the Texans would expect to draw much of their support from the people of the United States, although, at the very outset of the revolution, our government gave Mexico formal notice of its determination to observe scrupulous neutrality. On October 21, 1835, Henry Carleton, the United States district attorney at New Orleans, wrote the secretary of state that he had no doubt that persons in his district intended going to Texas "to act in concert with the Texans," but that it was difficult to bring them within the scope of the law of April 20, 1818, "for it does not appear that any *regular enlisting or entering* as soldiers has taken place within the meaning of the statute, or that any definite or tangible *military expedition or enterprise* has been set on foot or begun."[29] He had expressed to Pizarro Martinez, the local Mexican consul, his willingness to prosecute such offenses against the Mexican government and had asked him to assist in finding evidence against those who violated the law, but Martinez "seemed to think his agency would be unavailing, and said he could do nothing more than communicate the facts, as they occurred, to the officers of his Government."[30] Before receiving this letter, Forsyth wrote Carleton (October 27) that it was the president's fixed determination to discharge all the obligations of the government and especially that one which "requires that we shall abstain, under every temptation,

tune for the cause of LIBERTY in Texas are requested to come forward and register their names. A list may be found in the hands of the editor of the Argus."

[29] Certain provisions of the law made it a misdemeanor, punishable by fine and imprisonment: (1) for a citizen of the United States to accept and exercise a commission to serve any foreign power against another power with which the United States was at peace; (2) for any person to enlist or cause another to enlist within the jurisdiction of the United States, or to cause another to go beyond the jurisdiction of the United States with intent to be enlisted; (3) for any person "within the territory or jurisdiction of the United States [to] begin or set on foot, or provide, or prepare the means for, any military expedition or enterprise to be carried on from thence against the territory of any foreign prince or state," etc.; (4) for any person to fit out within the jurisdiction of the United States a vessel for war against a power with which the United States was at peace. *Statutes at Large*, 3: 447-450.

[30] 25 Congress, 2 Session, House Executive Document 74, p. 3; Martinez to secretary of *relaciones*, November 14, 1835, University of Texas transcripts from Mexican foreign office.

from intermeddling with the domestic disputes of other nations"; he would, therefore, prosecute "without discrimination" all violations of the neutrality laws of the United States. At the same time the secretary wrote Governor White of Louisiana, asking him to coöperate with the federal authorities in preventing violation of the law.[31] And on November 4, he outlined very clearly to the Mexican *chargé d'affaires* the policy that this government would pursue. The president wished Mexico to know, said Forsyth, that the United States viewed the contest with Texas as a purely domestic struggle, in which the United States should maintain absolute neutrality; the president would not depart one jot from this policy, and had already determined to instruct the proper officials to that effect; but in this connection it was indispensable for Mexico to understand that the United States government could not prevent public meetings from voting to collect money, arms, and men to aid the Texans, nor could it prevent merchant vessels sailing from its ports to Texas with contraband of war; there would probably be a good deal of such trade, with both Mexico and Texas, but whether the cargo were money, arms, or men, it was the task of Mexico, or of Texas, as the case might be, to prevent the vessels from landing, and not the duty of the United States to prevent them from sailing.[32] The same day Forsyth sent instructions similar to those already given Carleton to the federal attorneys at Boston, New York, Philadelphia, Baltimore, Mobile, and St. Martinsville, Louisiana;[33] and, on November 9, he instructed Butler to make at Mexico substantially the same statement concerning our policy that he himself had already made to Castillo.[34]

The limitation of the government by the Constitution and the law of April 20, 1818, was a fact, however, which Mexicans, with their own political background of arbitrary government and capricious judicial procedure, were unable to understand; and, seeing our government inactive in the face of what appeared to them palpable breaches of neutrality, they felt that they had

[31] 25 Congress, 2 Session, House Executive Document 74, pp. 3, 4.

[32] Castillo to secretary of *relaciones*, November 14, 1835, University of Texas transcripts from Mexican foreign office.

[33] 24 Congress, 1 Session, House Executive Document 256, p. 36.

[34] *Ibid.*, 3.

sufficient reason to doubt its sincerity. It is not necessary here to examine all the correspondence of the state department on this subject; a few passages will illustrate its tone and the procedure of the department. On October 29, Castillo wrote Forsyth that vessels were commonly leaving New York and New Orleans laden with arms and munitions for the colonists; and he hoped, for the sake of peace and harmony between his nation and the United States, that the president, in his "inflexible rectitude," would take measure to put an end to such proceedings. Forsyth replied that instructions had been issued to the district attorneys at those places to prosecute all violators of the law; and both attorneys soon had occasion to attempt to carry out the instructions. In New York, the Mexican vice consul called attention to a meeting at the Shakespeare Hotel on November 7 which adopted resolutions and appointed a committee "to solicit and receive subscriptions for the benefit of the Texonians." Attorney William Price put the matter before the federal grand jury, which was in session, and that body applied to the court for an interpretation of the law. Confining itself strictly to the question as phrased, the court ruled that donations to the Texans "to enable them to engage in a civil war with the sovereignty of Mexico" were not a "beginning, or setting on foot, or providing the means for, a military expedition *from the United States*," and were therefore not a violation of the law. In December the rumor spread in New Orleans that the schooner *Brutus* was being armed for the purpose of capturing vessels in the Mexican trade; and a number of merchants and insurance companies requested Carleton to prevent its sailing. He began proceedings and examined many witnesses, including those who made the complaint, but failed absolutely to make a case, though the *Brutus* was in fact fitting out as a Texan man of war.[35] On April 4, Gorostiza, the Mexican envoy extraordinary, brought to Forsyth's notice newspaper reports that the ladies of Nashville were raising a company at their expense, as well as a printed letter from General Felix Huston, dated Natchez, March 4, 1836, saying that he expected to take five hundred emigrants to Texas about the first of May

[35] 24 Congress, 1 Session, House Executive Document 256, pp. 8, 29; 25 Congress, 2 Session, House Executive Document 74, pp. 4-21.

and that he was making arrangements for arms, ammunition, and uniforms at a cost of $40,000. An editorial in the paper which printed this letter advised its readers that, if they desired to go to Texas "to aid in the struggle for independence," they could not go under a more accomplished leader. Gorostiza expressed the hope that the state department might block this plan. Forsyth, as usual, issued formal instructions to the district attorneys of the Mississippi Valley to prosecute General Huston or any one else who violated the law; but the reply of one of these attorneys was that he knew of no persons in Kentucky "so deporting themselves as to come within the provisions of the act of Congress"; and another said that, while he had no doubt that a movement of some description was preparing for the assistance of the Texans, he was "unable to obtain any legal evidence of a violation of the laws, on which to base a prosecution." Again, on July 21, Gorostiza inclosed extracts from the *Grand Gulf* [Mississippi] *Advertiser* saying that Colonel Wilson had recently passed there with more than two hundred men bound for Texas, "drums beating and fifes playing," and that three hundred others were following from "old Kentucky." This and other evidence which he mentioned caused him to believe that "some agents of the Federal Government in the States" were not obeying the president's instructions. The acting secretary of state replied that the facts would be investigated and violations of the law punished, and would Mr. Gorostiza please inform the department of any specific dereliction on the part of federal officers.[36]

It is difficult not to sympathise with Gorostiza's exasperation. The law of April 20, 1818, lent itself to easy evasion, and volunteers were coached in all its loop-holes, being especially warned that they must go to Texas in their individual capacity. An editorial in the *New Orleans Commercial Bulletin* (November 25, 1835) declared that the law did not "mean to prevent any citizen from taking passage in *any* merchant vessel, to go *anywhere* and with *any* intent, and with arms and munitions of war"; and sooner or later this was repeated in substance by

[36] 24 Congress, 1 Session, House Executive Document 256, pp. 13, 30; 25 Congress, 2 Session, House Executive Document 74, p. 23; 24 Congress, 2 Session, Senate Document 1, pp. 40, 41.

most of the newspapers and most of the public meetings of the period. A particularly bald statement of the subterfuge appears in the *Mississippi Free Trader* (April 8, 1836) in a "word of advice to those who intend going to Texas with General Huston and Captain Quitman." "Be cautious in conversation," said the editor, "not to use any language which would justify an arrest in the United States. That men have a right to *travel* together there can be no doubt. And further, no one who joins General Huston on the 21st is bound to engage in the Texian war. Nor do they make any engagement to do so. General Huston, it is true, has some odd notions of his own, and does not wish any one to *travel* to Texas with him who does not have a good horse, rifle or musket, and brace of pistols . . . but that is nobody's business." District Attorney Sanders of Frankfort, Kentucky, wrote the state department concerning Colonel Wilson's movements, of which Gorostiza had complained on July 21, that he was personally acquainted with Wilson and had talked with him and some of his fellow-emigrants and they told him that their motive in going to Texas was "emigration only." "There was no apparent movement by Colonel Wilson or his associates within my knowledge, exhibiting them as an armed force, or in a position to authorize the inference of their certain intent to violate the neutral relations of the United States with any foreign Power. Nor did I perceive or did any information come to my knowledge upon which I could justly institute any legal proceeding against them."[37] Another attorney for the Nashville district is said to have declared that he would accompany his men to the border to see that they did not violate the law in the United States; and, if they chose to step over the line as peaceable emigrants, they would then be beyond his jurisdiction.[38]

Whether a greater exhibition of zeal on the part of the administration would have stimulated local officers into more effective efforts is doubtful. Public opinion was such that convictions in a jury trial would have been almost impossible. We

[37] Sanders to Dickens, August 5, 1836. 24 Congress, 2 Session, Senate Document 1, pp. 53, 54.

[38] Carson to Burnet, June 1, 1836, Garrison, *Diplomatic Correspondence of Texas*, 1: 92.

have already seen the attitude of the grand jury and the court in New York, and the failure of Carleton to obtain evidence against the *Brutus* in New Orleans.[39] In March, Carleton instituted proceedings against William Christy for aiding General José Antonio Mexia in fitting out a filibustering expedition against Mexico. The facts alleged were substantially true. Christy was chairman of the Texas committee in New Orleans, was in close touch with Mexia, and undoubtedly assisted him in organizing his expedition;[40] yet in the trial, lasting five days, which curiously enough was conducted by Judge Rawle of the city court at the request of the federal judge, there was found no evidence to sustain the charge. The testimony showed that Christy had declined to assist Mexia and that his "language . . . was to dissuade persons from any enterprise to Texas, and from joining Mexia's expedition."[41] Mexia had returned to New Orleans after the failure of his expedition;[42] and, on May 16, the grand jury found an indictment against him, but the case seems never to have come to trial.[43]

In his conference with Castillo on November 4, 1835, Forsyth brought up a subject of some importance in connection with the subsequent occupation of Nacogdoches by United States troops. The treaty of 1828 had described the Louisiana-Texas boundary as beginning "at the mouth of the river Sabine, in the sea, continuing north along the western bank of that river to the thirty-second degree of latitude," etc.; but the commission for which the treaty provided had never met to mark this boundary. The United States — absolutely without ground — set up the

[39] See *ante*, 12.

[40] "The [*New Orleans*] committee informs us that . . . a vessel well furnished and manned, by about one hundred and fifty efficient emigrants, would sail about the 27th ultimo [*October*] for Tampico, under the command of General Mexia." (*Journal of the Consultation*, 24.) On November 4, Christy wrote the provisional government of Texas: "The contemplated expedition to be commanded by General Mexia, consisting of about one hundred and fifty men, will sail tomorrow on board the schooner Mary Jane, all well armed and provisioned: Tampico is the place of destination, which place we have no doubt will be in the possession of the General in a few days." Manuscript in Texas State Library.

[41] 25 Congress, 2 Session, House Executive Document 74, pp. 21-23.

[42] For an account of this movement see "The Tampico Expedition," by the writer in Texas State Historical Association, *Quarterly*, 6: 169-186.

[43] The indictment is no. 3797, United States District Court, Eastern District of Louisiana.

claim in 1829 that the Neches River, which flows into Sabine Lake west of Sabine River, was the line intended by the treaty; and Forsyth now suggested that, since the territory between the two rivers was in dispute, the best way to avoid trouble there was for Mexico to give "very positive and definite" [*muy fuertes y terminantes*] orders that in no manner and under no pretext whatever shall Mexican troops advance to that point [*hasta allá*].[44] Castillo seems not to have discussed the matter at the time; but, when President Jackson stated in his annual message of December 7 that Mexico had been notified that "we should require the integrity of our territory to be scrupulously respected,"[45] he asked whether the president perchance intended "to convey the idea that he recognizes limits which are not those expressly determined in the second article of the treaty." Forsyth replied, in accordance with the newly developed doctrine of Jackson's administration, that remarks made by the president in a message to Congress were not considered a proper subject for diplomatic explanations;[46] and there the subject rested until it was again brought forward by General Gaines's movements on the frontier.

A letter of January 22, 1836, from the adjutant general warned General Gaines that conditions west of the Mississippi might soon claim his attention; and the next day a formal order from the secretary of war instructed him to proceed to the southwestern frontier and assume personal command of the troops to be employed in that quarter. The revolution then going on in Texas made this a position for the exercise of great discretion and experience, because it was the duty of the United States to remain entirely neutral and to cause its neutrality to be respected by others. On the one hand Gaines would see to it that neither of the belligerents crossed the national boundary in arms, and on the other that Indians from the United States did not invade Texas.[47] The first of these letters General Gaines received at Pensacola Bay on February 6, and replied that plans

[44] Castillo to secretary of *relaciones*, November 10, 1835, University of Texas transcripts from Mexican foreign office.

[45] Richardson, *Messages and Papers*, 3: 151.

[46] 24 Congress, 1 Session, House Executive Document 256, pp. 12, 29.

[47] 25 Congress, 2 Session, House Executive Document 351, p. 765; 24 Congress, 1 Session, House Executive Document 256, pp. 40-42.

already in execution for coöperating with General Clinch in the Seminole War made it inadvisable for him to move westward unless the government, with a full knowledge of those plans, ordered him to do so.[48] Cass's order of the twenty-third reached him at New Orleans on March 28, and he then immediately set out for the frontier. From Baton Rouge the next day he outlined to the war department the policy which he should pursue unless he was otherwise instructed. Assuming apparently — for as yet he had no evidence of the fact — that the Mexicans were in alliance with the Indians, he said that he should deem it his duty to take the offensive, if they showed any disposition to menace the frontier.[49] From Natchitoches, on April 5, he ordered the post commanders of western Arkansas at Fort Gibson and Fort Towson to prevent both Texans and Mexicans from crossing the boundary in arms, and to keep United States Indians from joining in the Texan disturbance.[50] On the eighth, he wrote the secretary that he was convinced that several tribes of United States Indians had crossed the Texan boundary; that Santa Anna was said to be approaching rapidly through the center of Texas, determined to exterminate all who refused to yield to his dictation; and that it was reported that these Indians would unite with him as soon as he reached the Trinity. He thought it his duty, therefore, "*to prepare for action*," and had asked the governors of Louisiana, Mississippi, and Tennessee for a brigade, and the governor of Alabama for a battalion of volunteers.[51] At the same time he ordered from Fort Gibson six or eight companies of the Seventh Infantry for service be-

[48] Gaines to Jones, February 6, 1838, manuscript in war department.

[49] 25 Congress, 2 Session, House Executive Document 351, p. 768. The treaty of 1831 mutually pledged the United States and Mexico to maintain peace among the border Indians under their respective jurisdictions (W. M. Malloy, *Treaties, Conventions, International Acts, Protocals, and Agreements between the United States and Other Powers* [Washington, 1910], 1: 1095.), and it was not a new doctrine in the United States that in case of the inability or unwillingness of Mexico to carry out the treaty, the United States would, in self-defense, be justified in crossing the boundary to restrain the Indians. President Monroe had given substantially this interpretation to a similar provision in the Spanish treaty of 1795. Richardson, *Messages and Papers*, 2:30.

[50] Gaines to Arbuckle and Vose, Letter Book of Western Department, 7: 298, in adjutant general's office.

[51] *Ibid.*, 323; 25 Congress, 2 Session, House Executive Document 351, pp. 769, 770.

tween Fort Towson and Fort Jessup, where for a short time he established his headquarters.[52]

A glance at conditions in Texas will help to explain the rumors of Indian activities which so much alarmed General Gaines. After destroying the garrison of the Alamo on March 6, Santa Anna had begun his advance across the heart of the settlements, with Houston retreating before him; on March 19, Fannin surrendered to General Urrea, and a week later was massacred with more than three hundred of his men; and, on April 13, Santa Anna, leaving Houston in his rear, crossed the Brazos and made a dash for Harrisburg which President Burnet had chosen for a temporary capital. Burning the town, which he found deserted, he pursued the fleeing government until stopped by the waters of Galveston Bay, and was returning westward to unite with his main division when Houston encountered him at the San Jacinto and won the celebrated battle of that name on April 21. Santa Anna's advance and Houston's retreat had been the signal for a panic stricken exodus from the most thickly settled portion of Texas; and many believed that Santa Anna was in a fair way to make good his alleged [53] threat of sweeping every Anglo-American beyond the Sabine.

Naturally the desirability of active intervention of the United States did not escape the Texans; and it seems evident that alarming reports of warlike Indian movements were deliberately manufactured, or at the least greatly exaggerated, for the purpose of bringing this about. Sam P. Carson, the Texan secretary of state, wrote President Burnet from Natchitoches, on April 14, that General Gaines had ordered thirteen companies to the east bank of the Sabine, and that he would consider it his duty to take the aggressive if he found that the Mexicans had incited Indians under the control of the United States to

[52] 25 Congress, 2 Session, House Executive Document 351, p. 289.

[53] I say "alleged threat" because I have never seen satisfactory evidence that Santa Anna had formed or announced such drastic intentions; while there is, in fact, pretty good evidence to the contrary in a long letter from Santa Anna to the secretary of war, Tornel, February 16, 1836, asking for instructions concerning the policy which he should pursue after the rebellion in Texas was crushed. He suggested that the colonists, as the aggressors, should pay the cost of the war and asked whether those who participated in the rebellion should be driven from the republic, sent into the interior, or left where they were. University of Texas transcripts from Mexican war department.

commit depredations on either side of the boundary. The fact was, he said, that Caddo, Cherokee, and other Indians of the United States, were already with the Mexicans, and Gaines had only to be assured of this to act "with energy and efficiency." "The proofs," he added, "will, I have no doubt, be abundant by the time he reaches the Sabine." [54]

This confidence was justified. Citizens of Nacogdoches and San Augustine, near the Louisiana line, had been busily spreading an Indian scare to the eastward before General Gaines arrived; and it was upon evidence provided by them that he advanced to the Sabine.[55] In the meantime, however, he had detailed Lieutenant Joseph Bonnell of the Third Infantry to investigate the Indian situation; and, while that officer's report on April 20 showed that one Manuel Flores had been trying to incite the Caddo to war on the Texans, there seemed no immediate necessity for a further advance of United States forces. On the twenty-eighth, Gaines received reliable reports of the battle of San Jacinto; and at the same time he learned that the "Cherokees and other Indians in Texas from our side of the national boundary line, are disposed to return to their villages, plant corn and be peaceable" [56] He withdrew, therefore, his requisition upon the governors of Louisiana, Mississippi, Alabama, and Tennessee for reënforcements, sent to the commanders of the Mexican and the Texan armies an offer of friendly mediation, and ordered Captain Hitchcock to Washington to supply the government with information that might be helpful in case, as seemed certain, the Texans should apply for annexation to the United States.[57] By June 7, he had reason to doubt that the capture of Santa Anna would cause Mexico to recognize Texan independence: "The Indians may, therefore, again be required to act against the inhabitants residing in the disputed territory — [between the Sabine and the Neches]." Reënforcements might still be needed, and he had notified Governor Cannon to hold the Tennessee brigade ready for action. Toward

[54] Manuscript in Texas State Library. Extracts of the letter are printed in Texas State Historical Association, *Quarterly*, 4: 253, 254.

[55] Gaines to Cass, April 20, 1836, 25 Congress, 2 Session, House Executive Document 351, p. 771, with inclosures, 773-783.

[56] *Ibid.*, 783.

[57] *Ibid.*, 782, 784, 786.

the end of June, he was informed that Indians — "suspected to have been Caddoes" — had committed depredations in Robertson's colony in the interior of Texas, and this, in connection with the report that General Urrea was leading a large force to renew the war in Texas, caused him to order a detachment to Nacogdoches. On July 10, he instructed "the officer commanding the United States troops at or near Nacogdoches near Texas" to restrain by force any Indians from acts of hostility "against the United States troops or against any of the inhabitants of this frontier, or the disputed territory to the *South* or *East* or *North* of Nacogdoches." But at the same time he warned that officer that the hostility of the Indians should be "*demonstrated by their conduct* rather than by their threats." A copy of this order was forwarded to the secretary, and was received at the war department on August 5.[58] Whether this force immediately occupied Nacogdoches is not disclosed by the records of the war department; but on July 31 three troops of dragoons and six companies of the Seventh Infantry arrived there from Fort Towson.[59] These troops remained at Nacogdoches until December 19.[60]

The strict letter of his instructions gave General Gaines authority for this movement, but their spirit enjoined a greater degree of critical judgment than he was capable of exercising. On April 25, in answer to his letter of March 29, General Cass wrote him that if the approach of the contending parties or the excitement of the Indians jeopardized the lives and property of our citizens on the frontier, he might take up a defensive position on either side of the boundary line, but under no circumstances was he to advance beyond Nacogdoches, which was "within the limits of the United States as claimed by this Government." On May 4, Cass wrote him that much must be left to his discretion, on account of the distance from the seat of government, and reminded him that his objects were the protection of the frontier, and "as strict a performance of the neutral duties of the United States as the great object of self defense

[58] Manuscript in war department. See also Gaines to Cass, June 28, 1836, Letter Book of Western Department, 7: 340.

[59] 25 Congress, 2 Session, House Executive Document 351, p. 788; Lieutenant Colonel William Whistler, August 4, 1836, manuscript in war department.

[60] Report of Lieutenant Colonel Whistler, manuscript in war department.

Bancroft Library

will permit. You will take care and do no act which can give just cause of offence to any other government; and, on the other hand, you will not permit the frontiers to be invaded by any forces whatever." A week later (May 12) Cass repeated this statement and added that, if Indians were not employed immediately on the border, there would be no need to advance "beyond the territory heretofore in the actual occupation of the United States. . . . I must impress upon you the desire of the President that you do not advance unless circumstances distinctly show this step is necessary for the protection of the district of our country adjoining the scene of operations in Texas." On August 5, President Jackson refused to confirm Gaines's call of June 28 for a brigade from Tennessee, saying that the evidence submitted failed to show the necessity for it, and that the well known disposition of the people of the United States to befriend Texas made it necessary for the government to be extremely careful to avoid any reasonable suspicion of overstepping its neutral obligations. Finally, on September 4, the president himself wrote Gaines: The policy of the United States was one of strict neutrality, and Gaines as commander of our forces on the frontier "must religiously observe and maintain it." By treaty Mexico was under obligation to prevent the Indians in its territory from warring on our citizens; and, if it was unable or unwilling to do this, international law and self-defense would justify the United States in doing it. To this end Gaines should take the position most favorable to the security of the frontier and pursue such Indians wherever he found them, regardless of the boundary line; but he must be very careful "not to be deceived by the evidence on which so responsible an act is to be justified. Unless the necessity exists, unless there are actual disturbances of the peace of the frontier, or a moral certainty that the Indians are in hostile array for the purpose and are drawing the means of operation from the territory of Mexico, the occupation of an advanced post in that territory, by our troops, must be avoided." Just as he finished this letter, President Jackson received from the war department a letter from Gaines of July 21, with inclosures, which seemed to leave no doubt that the Mexicans were inciting the Indians; and he authorized him, if he found the statements true, to march to Na-

cogdoches with his whole force; but he was to keep ever in view "our neutral position in reference to the civil war in Texas, and our treaty obligations in reference to the authorities of Mexico." [61]

In the meantime, General Gaines's movements had been a subject of prolific correspondence between Gorostiza and the state department. On April 20, Forsyth in a personal conference informed Gorostiza that Gaines would take a position to enable him to protect both Mexico and the United States from Indians and the territory of the United States, as well, from violation by Mexicans and Texans. If, in the accomplishment of this end, his troops advanced beyond the line that Mexico might suppose to be the limits of the United States, Mexico should not consider it an indication of hostile feeling, or of a desire to claim territory that the boundary treaty denied us. "The occupation would be precautional and provisional, and would be abandoned whenever . . . the disturbances in that region should cease." To this Gorostiza replied formally the next day saying that it was perfectly reasonable for the United States to wish to preserve its territory from violation, and Mexico could of course offer no objection so long as General Gaines remained within "the known limits of the United States." Territory long occupied by Mexico, however, should be regarded as Mexican territory until the boundary survey adjudged it to the United States; and in the meantime the United States should keep its hands off. At the same time he expressed the hope that General Gaines would be instructed to "oppose the entrance into Texas of any American citizen, who may attempt to pass the frontier armed, or as a colonist, for the purpose of joining the ranks of the rebels." Forsyth answered this on the twenty-sixth by saying that Gaines had not been ordered to take a position in the disputed territory, and that it was hoped that he would not find it necessary to do so; but, upon the right of the United States to take such a position in self-defense, Forsyth was unyielding. Gorostiza was firmly convinced that the object

[61] Cass's instructions of April 25 and May 4 and 12 are in 24 Congress, 1 Session, House Executive Document 256, pp. 45, 48, 54; Jackson's letter to Governor Cannon in 24 Congress, 2 Session, Senate Document 1, pp. 60-62; and Jackson's letters to Gaines in the manuscripts of war department.

of the movement would be to favor the Texans, and he wrote his government that he intended to ask for his passports and terminate his mission whenever he learned that Gaines had crossed the Sabine.[62] Forsyth pretended to believe that Gorostiza's opposition rested solely on his fear that the occupation of an advanced position would be used by the United States to prejudice in its favor the boundary survey, and several times aroused the latter's indignation by assuring him that such was not the intention of the government, and that he ought therefore to be content.

On May 9, Gorostiza learned of Gaines's instructions to advance at his discretion as far as Nacogdoches; and, from then until October 15, when he abandoned his mission in disgust, the burden of his correspondence with the state department was one question: "Has Gaines crossed the Sabine?" On August 4 and 23, the state department told him that the government had no information that any portion of Gaines's force had crossed that river.[63] September 23, Forsyth informed him that, although the government had no official report on the subject, it appeared from certain letters addressed to Gaines by Lieutenant Bonnell on August 9 that some of the troops were at Nacogdoches; and on October 13 the acting secretary of state,

[62] 25 Congress, 2 Session, House Executive Document 190, pp. 74-79.

[63] In view of the fact that the war department had received on August 5 Gaines's order of July 10 to "the Officer commanding the United States troops at or near Nacogdoches, near Texas" (*ante*, 20), this statement may be regarded as skirting pretty closely the margin of veracity. Nevertheless, it was technically true, and Gorostiza himself, who had read in a newspaper as early as August 18 a copy of this order, wrote his own government that he had no means of knowing whether that officer had marched as directed: "The newspapers are again silent, private letters give no assurances on the affair, which is so completely wrapped in mystery that I am myself much puzzled with regard to it." (25 Congress, 2 Session, House Executive Document 190, p. 97.) Even the alert and intelligent Mexican consul at New Orleans, much nearer the scene of operations, was in a similar state of uncertainty. August 29, he wrote Gorostiza that a friend at Natchitoches had written him on August 20 saying that there were 240 infantry and 100 cavalry at Nacogdoches, where they were raising a fort; but on September 3 he wrote that he had just conversed with a friend who came from Gaines's camp, and this person assured him that Gaines had never crossed the Sabine or left his camp on the east bank of the river; and he gave more credence to this than to the former report. (University of Texas Transcripts from Mexican foreign office.) As a matter of fact both reports were true: the troops were at Nacogdoches, and, so far as the evidence shows, Gaines personally did not cross the Sabine.

Asbury Dickens, told him that the war department had information that they were still there on September 4, but whether they had since retired the government was uninformed. At the same time, Dickens told him that the president declined to recall the discretionary instructions given to General Gaines, believing them necessary to the proper protection of the frontier. To this Gorostiza replied on the fifteenth, demanding passports. The danger of Indian attacks on the frontier of the United States, he declared, had existed only in the imagination of the Texans and of persons hostile to Mexico: so long as the colonists were submissive to the laws of Mexico, nothing was heard of the hostile designs of the Indians, although since 1832 Mexico had had no garrison at Nacogdoches or anywhere near the frontier; they were still quiet during the early period of the revolution, while the colonists were successful; and not until March, 1836, when it seemed that the victorious Mexican army would soon reach the Sabine, did reports of Indian hostility begin to spread; after the battle of San Jacinto, with the disappearance of the danger that had threatened the Texans, the Indians "also disappeared in consequence," and Gaines withdrew his call for volunteers; but, about the end of June, it became known that Mexico was preparing for a new campaign, and "immediately, as if by enchantment, the hostile Indians again appeared"; Gaines's partiality for the Texans was notorious, and his credulity had been so great that his "statements should have had no weight with one so enlightened as the President of the United States." [64]

It seems beyond dispute that General Gaines was over-credulous and that he exaggerated the danger of an Indian uprising. General Alexander Macomb wrote from New Orleans, April 25, 1836, that Governor White of Louisiana believed that Gaines was deceived by persons interested in Texan speculations; [65] and the fact that General John T. Mason was one of those who urged him to occupy Nacogdoches lends color to this suspicion. Lieutenant Colonel Whistler, who commanded at Nacogdoches, wrote

[64] This correspondence is in 24 Congress, 2 Session, Senate Document 1, pp. 47, 53, 84, 94, 101. Bonnell to Gaines, August 9, 1836, is in 25 Congress, 2 Session, House Executive Document 351, p. 799.

[65] 24 Congress, 1 Session, House Executive Document 256, p. 55.

the war department on September 4 that there had never been any disposition on the part of the adjacent tribes to attack our frontier, and that whatever intention they may have had to attack the Texans had been removed by the presence of the United States forces. In a later communication (October 13) he complained that his command had suffered the hardships of a march of nearly four hundred miles "to afford protection to a foreign state."[66] Lieutenant Bonnell gathered some ridiculous hearsay evidence to the effect that Manuel Flores was trying to agitate the Indians and that he claimed to represent the Mexican government; but while this tended to establish Flores' character as an ugly tempered braggart, it seems hardly entitled to serious consideration in the charge against Mexico. Moreover, there is a little positive evidence to refute the charge: Santa Anna, writing the Mexican war department on February 16 for instructions concerning the policy which he should follow in Texas, asked, "What of the Indians?" The Cherokee had done good service to the nation in 1827; and he understood that they had been promised a grant of land which they had never obtained; should they be left without any further guarantee, "thereby exposing ourselves to their hostility"; or should they be ordered from the country?[67] This question is not to be reconciled with a settled policy of alliance with the Indians against the colonists.[68] In fairness to Gaines, however, it should be re-

[66] Manuscript in war department. See also Hitchcock, *Fifty Years in Camp and Field*, 98, cited in G. L. Rives, *United States and Mexico, 1821-1848* (New York, 1913), 1: 375. For General Mason's interest in Texan lands see by the writer "Land Speculation as a Cause of the Texas Revolution," in Texas State Historical Association, *Quarterly*, 10: 76-95.

[67] University of Texas transcripts from Mexican war department.

[68] The colonists, on the other hand, had deliberately contemplated an alliance with the Cherokee. On December 26, 1835, the general council of the provisional government asked Governor Smith to commission Sam Houston, John Forbes, and John Cameron to treat with the Cherokee and to secure, among other things, "the effective coöperation of the Indians, at a time when it may be necessary to call all the effective force of Texas into the field, and agreeing for their service in a body for a specified time." (*Journal of the General Council*, 208.) On February 23, 1836, Houston and Forbes did sign a treaty of friendship with the Cherokee, but it made no provision for an alliance. Sam P. Carson, writing to President Burnet, April 14, 1836, said: "You will perceive that we *cannot use Indian auxiliaries* unless in *self defence*. The Treaty referred to [*that of 1831 between the United States and Mexico*] requires the United States to put such conduct down." Garrison, *Diplomatic Correspondence of Texas*, 1: 83.

membered, as he himself reminded General Cass, that he had seen much suffering through the failure of the government to act vigorously at the beginning of hostilities, before the Indians started their career of killing and burning. As he said, he believed in "protection to the living citizen, rather than to the ashes of the slain."[69] While his sympathy for the Texans caused him to exaggerate the danger, it seems to the writer that he was sincere in his belief that it did exist, and that his conscious purpose was solely to protect the frontier of the United States from a devastating Indian war.

The sweeping charge that Gaines's men won the battle of San Jacinto[70] demands a glance at the subject of desertions. That the subject early became a serious one is indicated by an order of May 1, 1836:[71] to guard meritorious soldiers against being deceived, they are "notified that arrangements will be made in a few days to obtain from the proper authorities in Texas *all deserters* now there, and those that attempt hereafter to desert thither; and they are hereby assured that they *shall be punished with the greatest possible severity the law and the courts will allow.*" At about this same time, General Gaines sent Lieutenant Nute into Texas with four men to arrest deserters; and Nute advanced as far as Victoria, where he found the Texan army and probably was instrumental in causing General Rusk to issue an order warning all recruiting officers against enlisting deserters, and ordering commanding officers to hold deserters already enlisted subject to identification and delivery to the United States.[72] In August, Lieutenant Griffin was at Velasco on a similar mission;[73] and General Order No. 41, issued September 26, offered a pardon to all who returned before October 20.[74] The records of courts martial at Nacogdoches and Camp Sabine show a good many trials for desertion — usually several

[69] 25 Congress, 2 Session, House Executive Document 351, pp. 773, 787.

[70] Jackson to Gaines, September 4, 1836, manuscript in war department.

[71] Order Book of Western Department, 10: 22, manuscript in war department.

[72] Gaines published Rusk's order on July 2 (Orders and Special Orders, 1836-7, vol. 275), and reported Nute's mission to the secretary on July 14. (Manuscript in war department.) Rusk's order was dated June 10.

[73] Morfit to Forsyth, August 23, 1836. Texas Despatches, 1836-1842, manuscript in state department. Morfit's letter is printed in 24 Congress, 2 Session, Senate Document 20, p. 20, but this reference to deserters is there omitted.

[74] Orders and General Orders, 1836-7, as cited above.

at each session of the court — but there is no evidence of wholesale desertions. The proximity of the border, the liberal land bounties offered by Texas, and the promise of active war must have presented to the average private a temptation hard to resist.

In the meantime, the attitude of the United States toward recognizing the independence of Texas had been a subject of protest by Gorostiza. He wrote his government, on April 25, that a member of Congress had just assured him with great secrecy that a proposal was going to be made in Congress for recognition. Gorostiza thought that the move was premature, but that it would pass if the southern members urged it. His policy would be to fight inch by inch and, if the measure passed, to ask for passports and leave.[75] The next day, the subject was brought before the senate by Senator Morris of Ohio, who presented a memorial from people of his state suggesting recognition. He moved its reference to the committee on foreign relations; but there was some opposition, especially by King of Alabama; and Morris consented to table the petition to await similar expressions from other states. In the house, Williams of Kentucky asked consent on the twenty-ninth to offer a resolution instructing the committee on foreign affairs to enquire into the expediency and propriety of acknowledging independence; but the house refused to suspend the rules to receive the resolution.[76] As had been expected, other popular expressions favoring recognition came to the senate; and, on May 23, these were, on motion of Walker of Mississippi, referred to the committee on foreign relations, of which Clay was chairman.[77] Gorostiza protested vigorously against this. There was nothing upon which to base recognition, he said, except a rumor of the battle of San Jacinto; and, assuming that this were as reported, there were other generals in Texas to prosecute the war; and even if these should "so far lose their senses as to yield to en-

[75] University of Texas transcripts from Mexican foreign office. For the Texan overtures to the United States for recognition, see Garrison, "First Stage of the Movement for the Annexation of Texas," in *American Historical Review*, 10: 72-75, and Rather, "Recognition of the Republic of Texas by the United States," in Texas State Historical Association, *Quarterly*, 13: 155-256.

[76] *Congressional Globe*, 3: 331, 338.

[77] *Ibid.*, 393-395.

emies who could not attack them, could not Mexico, with its seven million, find men to oppose Houston's six hundred?'' Forsyth replied that the president must presume that Congress would take no action that was not right and just, and that in any case it would not be proper to discuss such action before Congress itself reached a decision. The president wished him to be assured, however, that the United States would take no step inconsistent with its attitude during the contest between Spain and its late American colonies, including Mexico.[78]

On June 18, Clay brought in a report that the independence of Texas ought to be recognized whenever it furnished satisfactory information that it had an organized government capable of performing the obligations of an independent power. This passed unanimously on July 1, with an amendment authorizing the president to send a confidential agent to Texas to ascertain the true status of the country. The house passed the senate resolution on July 4. Preston, in the meantime, had called on the president for any correspondence that he might have had with the Texan authorities, in the hope that this might furnish a basis for immediate action; but the president replied that he had had no such correspondence, and could have none before recognition. He added that he had already sent to Texas a confidential agent to report the condition of that country.[79]

Preston's action aroused Gorostiza, who wrote home that the purpose in calling for correspondence had been to stir up excitement and secure recognition, after an impassioned discussion, by a headlong vote [*votacion tumultuosa*]. The president's reply that he had no correspondence was to be expected because otherwise he would have had to admit clandestine relations with the rebels, contrary to his obligations to Mexico; and the ''singular morality of the American government is to figure precisely on always saving appearances.'' Nevertheless, this simple answer had completely ruined Preston's plan, because it was impossible to vote immediate recognition in the face of the government's plain statement that it knew nothing of the Texan government but had taken steps to inform itself.[80]

[78] 24 Congress, 2 Session, Senate Document 1, pp. 32-34.

[79] *Congressional Globe*, 3: 453, 479, 486.

[80] Gorostiza to minister of *relaciones*, July 6, 1836, University of Texas transcripts from Mexican foreign office.

A few days after this (July 9), Gorostiza heard that two Texan commissioners would soon arrive in Washington with a copy of the treaty of Velasco, in which Santa Anna had recognized the independence of Texas; and, in order that the United States government might not attach too much importance to this document, he notified Forsyth that his government considered all of Santa Anna's acts, while a prisoner, null and void.[81] This, he wrote, would prevent action for the present; but Austin, who had gone to Texas in June with confidential instructions to the *ad interim* government, would probably soon return; and the president would then decide whether to throw off the mask.[82] His suspicions of Austin's mission, however, were unfounded. Austin felt keenly the neglect of the Texan government in failing to keep him and his colleagues informed of local conditions, and believed that this had prevented recognition in May.[83] He may have returned to Texas determined to change this policy, but he had no understanding with Jackson. In fact, the agent whom the president did send to Texas, Henry M. Morfit,[84] advised against immediate recognition;[85] and, in his messages of December 5 and 21 to Congress, Jackson recommended delay.[86]

Historians will hardly agree as to the uprightness of our government in its attitude toward the Texas-Mexican question. My own opinion is that, despite President Jackson's desire to acquire Texas and his probably strong conviction that Texan success would further that end, the administration tried in a lukewarm manner to meet the spirit as well as the letter of its neutral obligations. That there were violations of the law, however, and probably with the connivance of local federal officers, cannot be doubted. Was this official laxness due to the belief that it would not seriously offend the government, or to the knowledge that judicial convictions, in view of the overwhelm-

[81] 24 Congress, 2 Session, Senate Document 1, pp. 36-38.

[82] Gorostiza to minister of *relaciones*, July 12, 1836, University of Texas transcripts from Mexican foreign office.

[83] Austin to Burnet, June 10, 1836. Garrison, *Diplomatic Correspondence of Texas*, 1: 98.

[84] Strangely enough both Gorostiza and Martinez, at New Orleans, reported to the foreign office that it was Poinsett who went to Texas on this mission. University of Texas transcripts, from Mexico foreign office.

[85] See his letters, 24 Congress, 2 Session, Senate Document 20.

[86] Richardson, *Messages and Papers*, 3: 237, 238, 265-269.

ing pro-Texan sentiment, would be impossible? Probably in some degree to both. But in any case one cannot but regret the want of more serious efforts to check, by arrest and prosecution, enlistments and organized expeditions from the United States; the failure of General Gaines to exercise a little more cool judgment and hard common sense in carrying out his discretionary authority to invade Texas; and the refusal of our state department to adopt a less baffling tone of curt and frigid politeness in its correspondence with the representatives of the Mexican government. And in any case, one cannot but feel the justifiableness of Mexican suspicion and resentment against the United States.

Eugene C. Barker

University of Texas
Austin